

S.B. asks the Utah Labor Commission to review Administrative Law Judge Sessions' denial of her claim for benefits under the Utah Workers' Compensation Act (Title 34A, Chapter 2, Utah Code Annotated) or, alternatively, the Utah Occupational Disease Act (Title 34A, Chapter 3, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

### **BACKGROUND AND ISSUE PRESENTED**

On December 12, 2001, Ms. B. filed applications with the Commission seeking workers' compensation or occupational disease benefits for "angio edema" and "cleid sciela" allegedly caused or aggravated by her exposure to chemicals while working for IHC between 1988 and 2000. Judge Eblen held an evidentiary hearing on Ms. B.'s claims on June 8, 2004. Judge Eblen subsequently resigned her position with the Commission and Judge Sessions assumed responsibility over Ms. B.'s claim. On February 1, 2005, Judge Sessions issued his decision denying Ms. B.'s claim. Ms. B. filed a timely request for review and the matter was transferred to the Labor Commission on April 26, 2005.

In seeking Commission review of Judge Session's decision, Ms. B. raises several issues, including the argument that the decision's findings and conclusions are inadequate.

### **DISCUSSION**

The Commission has carefully reviewed Judge Sessions' decision in this matter and finds it inadequate in several respects.

- The decision overlooks the fact that Ms. B. filed two applications, one for workers' compensation benefits and the other for occupational disease benefits, as alternative theories of recovery.
- The decision lacks any appreciable statement of the facts surrounding Ms. B.'s employment at IHC, the development of her injuries or disease, or the medical connection between her work and her physical condition.
- The Commission specifically rejects Judge Session's fact-finding technique of incorporating by reference the entire medical exhibit, consisting of 364 pages submitted by 15 different medical providers.
- The decision asserts, without any supporting facts or analysis, the legal conclusion that Ms. B. "waived" occupational disease benefits.
- The decision asserts, without any supporting facts or analysis, that Ms. B. has failed to establish medical or legal causation.

In summary, Judge Session's decision fails to explain the nature of Ms. B.'s claim, fails to identify the relevant facts, and fails to analyze the case according to controlling principles of law.

Consequently, the decision fails in its dual purposes of explaining its result to the litigants and allowing review by the Commission. The Commission therefore remands Ms. B.'s claim to the Adjudication Division for issuance of an adequate decision. The Commission recognizes that resolution of this matter has already been delayed beyond acceptable time limits. The Commission therefore instructs the Adjudication Division to give this matter its immediate attention.

### **ORDER**

The Commission grants Ms. B.'s motion for review and remands this matter to the Adjudication Division for further proceedings consistent with this decision. It is so ordered.

Dated this 30<sup>th</sup> day of September, 2005.

R. Lee Ellertson, Commissioner